IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.265 OF 2007
IN
CRIMINAL APPEAL NO.221 OF 2007

Sayyad Nazir Hussain Rizwi ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Nilesh Bhatekar h/for Uday Warunjikar, adv. for the Applicant.

Shri Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 16th March, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The applicant, who is 70 years old person has been convicted for the offence punishable under Section 376 of the I.P.C. and sentenced to undergo R.I. for 7 years and to pay a fine of Rs.5,000/-. He has preferred an appeal, which is admitted. By this application, the applicant seeks to be released on bail pending final hearing and disposal of the appeal.

3. Mr.Warunjikar has taken me through the copies of prosecution evidence as well as the judgment passed by the Trial Court. The prosecutrix was aged about 22 years when this alleged incident occurred. According to

her, the present accused had committed rape on her on 4 occasions from 2nd October, 1997 to 10th October, 1997. She lodged a report of the incident on 28-11-1997 and was subjected to medical examination and Sonography on 1-12-1997. At that time she was found pregnant. It appears that she was pregnant even prior to the period when she was allegedly raped by the present applicant. Except bare words of the prosecutrix there is no other evidence to corroborate her version. There was delay of about 1 and half months in lodging the report . The applicant was on bail during the trial and there is nothing to show that he had misused the bail. He is a old man aged about 70 years. In view of all the circumstances, I find that bail may be granted to the present applicant pending the appeal.

4. Pending the appeal, the applicant be released on bail on same terms and conditions as before the trial Court subject to his furnishing fresh bail bonds and depositing the fine amount with further condition that he shall not misuse the bail.

5. The application stands disposed off.

(J.H.Bhatia,J.)